

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR TIPPECANOE COUNTY)

Case No. 79S00-10 *06* -MS- *332*

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Tippecanoe Circuit and Superior Courts request the approval of amended local rules for special judge selection in accordance with Ind. Criminal Rule 13 and Ind. Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR79-CR2.2-10 and LR79-TR79-11, comply with the requirements of Ind. Criminal Rule 13 and Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Tippecanoe County Local Rules, LR79-CR2.2-10 and LR79-TR79-11, set forth as an attachment to this Order, are approved effective June 1, 2010, provided further that the rules shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas H. Busch, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; the Hon. Donald L. Daniel, Tippecanoe Circuit Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Gregory J. Donat, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1363; the Hon. Les A. Meade, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Michael A. Morrissey, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; the Hon. Loretta H. Rush, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; the Hon. Randy Williams, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; to the Clerk of the Tippecanoe Circuit Court; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Tippecanoe Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 23rd day of June, 2010.

Randall T. Shepard

Randall T. Shepard
Chief Justice of Indiana

LR79-CR 2.2-10**CASE REASSIGNMENT AND SPECIAL JUDGES IN CRIMINAL CASES**

In the event a change of judge is granted pursuant to Indiana Criminal Rule 12 or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk of court for random selection of another court from among all the courts in Tippecanoe County other than Superior Court No. 3. On selection, the case shall be reassigned by the Clerk to the selected court.

In the event no judge is available for assignment or reassignment of a felony or a misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a special judge. In the event the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

LR79-TR79-11**SPECIAL JUDGE SELECTION IN CIVIL CASES**

Juvenile Cases: Each judge of the 4th District who routinely presides over juvenile cases shall maintain a list of each other such judge and, when required pursuant to Trial Rule 79 (H) to assign a special judge, shall assign a judge from said list on a rotating basis.

All Other Civil Cases: The six (6) judges of Tippecanoe County (not having juvenile case load) shall maintain a computer generated random selection system among said six (6) judges, and from among eligible judges pursuant to TR 79 (J), to be managed through the County Clerk's Office and the County Data Processing Department. Whenever a special judge needs to be assigned pursuant to Trial Rule 79 (H), the judge shall direct that a judge be selected by said random process first from the eligible judges in Tippecanoe County and then from the eligible judges from within the Administrative District.

If the judge selected by this Rule is disqualified or no judge is eligible to serve as special judge, the judge having jurisdiction of the cause shall notify the Indiana Supreme Court of the circumstances relevant thereto and request that a special judge be appointed by the Supreme Court.